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January 23, 2019

**VIA EMAIL**

Hugo Smith  
MuckRock  
[38194-09407720@requests.muckrock.com](mailto:38194-09407720@requests.muckrock.com)

**RE: #F13,390**

Ref.: Contracts- internet service providers

Dear Mr. Smith:

Pursuant to Section VI.C of New York City Department of Education (DOE) Chancellor's Regulation D-110 (CR D-110), revisions to which were adopted on November 28, 2017, additional time is needed to respond to your request. Factors to be considered under CR D-110 in determining whether there exist circumstances necessitating more time to respond to a request may include, but are not limited to, "[1] the volume of a request, [2] the ease or difficulty in locating, retrieving or generating records, [3] the complexity of the request, [4] the need to review records to determine the extent to which they must be disclosed, [and 5] the number of requests received by the agency."<sup>1</sup>

By letter dated October 23, 2018, you were advised to anticipate a response date of January 23, 2019, and that factors 1 through 4 described above apply to your request.

Pursuant to Section VI.C of CR D-110, subsection (d), please be advised that additional time is required to respond to your request. Factors 1, 3, and 4 continue to be applicable, the extent to which was not foreseen at the time you were provided with today's date. Additional time is required to complete review of the potentially responsive records, and to ensure that records and portions thereof exempt from disclosure pursuant to the various subsections of the Public Officers Law have been withheld.

In this instance, the DOE requires additional time to provide vendors with certain potentially responsive records in order to determine if any records or portions thereof fall within the ambit of POL §87(2)(d), which provides that an agency may deny access to records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise and which if disclosed cause substantial injury to the competitive position of the subject enterprise."

Given the efforts being made to respond to your request, a response is expected by March 29, 2019.

Sincerely,

*Carlyne Turner-Beverly /s/*

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[FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov)

CTB/jm

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<sup>1</sup> 21 NYCRR § 1401.5(d); Chancellor's Regulation D-110 VI.C.